

This document has been electronically entered in the records of the United States Bankruptcy Court for the Southern District of Ohio.

IT IS SO ORDERED.

Dated: August 24, 2015




John E. Hoffman, Jr.
United States Bankruptcy Judge

BK1403379
(eo)

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
AT COLUMBUS

IN RE:

Jason Matthew Wiseman
Jacqueline D. Wiseman

Debtor

Case No. 09-55446

Chapter 13

Judge Hoffman

**AGREED ORDER RESOLVING
MOTION FOR DETERMINATION
OF FINAL CURE AND MORTGAGE
PAYMENT FILED OCTOBER 16,
2014 (DOC 69) (PROPERTY
ADDRESS: 1299 CINNAMON
DRIVE, MARYSVILLE, OH 43040)**

This matter having come before the Court upon the Motion for Determination of Final Cure and Mortgage payment Pursuant to Federal Rule of Bankruptcy Procedure 3002.1 filed herein on October 16, 2014 as PACER Document No. 69 (hereinafter

“Motion”); and it appearing to the Court that the parties have agreed to a course of action which will otherwise resolve the Motion and the Court, being otherwise fully advised in the premises, hereby makes the following findings of facts and issues the following Order with respect thereto:

1. Rushmore Loan Management Services (hereinafter “Creditor”) is servicing the first mortgage lien encumbered by the real property owned by Debtor located at 1299 Cinnamon Drive, Marysville, OH 43040, (hereafter “Mortgage Account”).

2. The Trustee has disbursed \$2,016.02 to Creditor towards its pre-petition arrearage claim of \$2,016.02 as detailed in the Proof of Claim filed as Official Claim Number 9-1. The Trustee paid in full the amount to cure the pre-petition arrearages.

3. This Bankruptcy was filed May 14, 2009. Pursuant to Debtors confirmed Chapter 13 Plan, the Trustee disbursed ongoing post-petition mortgage payments on a “conduit” basis for the months of January 2010 through August 2014 totaling \$56,600.47.

4. The Trustee has fulfilled all requirements under Bankruptcy Rule 3002.1.

5. Debtors were obligated to tender six (6) post-petition mortgage payments directly to Creditor for the months of June 2009 through December 2009, four of which were tendered to Creditor. Debtors were obligation to resume ongoing post-petition mortgage payments directly to Creditor starting September 2014.

6. Debtors are in default of post-petition mortgage payment to Creditor totaling \$8,882.65 through August 2015, which shall survive discharge pursuant to 11 USC § 1328.

7. This Agreed Order and issuance of a discharge in this case shall not prevent Creditor and Debtors from discussing loss-mitigation alternatives.

8. The Motion is hereby RESOLVED.

IT IS SO ORDERED.

SUBMITTED BY:

/s/ Mia L. Conner

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